

Advisory Opinion

IECDB AO 2010-04

- ***modified/updated by 2016-02**

Subject: Registering a Committee Required/Opinions 2005-08 and 2009-05 Updated

April 29, 2010

TO ALL INTERESTED PERSONS

Pursuant to Iowa Code section 68B.32A(12) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the registration of a campaign committee. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

In IECDB Advisory Opinion 2009-05, the Board issued an opinion to remove confusion concerning the registration of a campaign committee. Due to changes in the laws and rules, the Board issues this updated opinion.

New Committees:

Pursuant to Iowa Code section 68A.201 a campaign committee is required to register with the Board by filing a statement of organization (DR-1) within 10 days of exceeding \$750 in money raised, expenditures made, or debts incurred. Pursuant to Iowa Code section 68A.201(3) a committee must file an amended DR-1 if there are any changes to the information disclosed on the original DR-1. The amended form must be filed within 30 days of the date of the change.

Statements Required to be Electronically Filed:

Effective January 1, 2010, a new committee for statewide office or the General Assembly must file an original or amended DR-1 electronically via the Board's Web site. Effective May 1, 2010, state parties and state PACs must file an original or amended DR-1 electronically via the Board's Web site. Effective January 1, 2011, county central committees must file an original or amended DR-1 electronically via the Board's Web site.¹ Effective January 1, 2011, any other county, city, school, or other political subdivision committee must file an original or amended DR-1 electronically via the

Board's Web site.² Effective January 1, 2012, all committees for statewide office or the General Assembly must file an original or amended DR-1 electronically using the Board's Web site.³

New Committees Filing Before Reaching Financial Threshold:

New committees also have the option of registering a committee prior to reaching the \$750 financial filing threshold. A committee seeking to become registered before it is required by statute to do so may either file a DR-1 or Form DR-SFA.⁴ If a committee filing Form DR-SFA later exceeds the \$750 threshold the committee is required to file a DR-1.⁵ The purpose of this voluntary registering of a campaign committee is to allow the committee to use the abbreviated "paid for by" attribution statement on political materials that is available to registered committees.⁶

Existing Candidate's Committees Seeking a Different Office:

A candidate's committee that has already filed a DR-1 for one office but then exceeds the \$750 threshold for a different office must either file a new DR-1 or amend the existing DR-1. In either case, the statement must be filed within 10 days of the \$750 threshold being exceeded for the new office sought.⁷

Permanent Organization Making a One-Time Contribution:

Iowa Code section 68A.402(9) requires a permanent organization (such as a business, association, or other person who is not an individual) that makes a contribution in excess of \$750 is required to file a separate report. A permanent organization that makes one contribution in excess of \$750 to a campaign committee may file Form DR-OTC in lieu of registering a campaign committee and filing campaign reports.⁸

County Central Committees (County Statutory Political Committees):

Prior to July 1, 2005, a county central committee was automatically created when its state party was formed. However, Iowa Code section 68A.102(12) was amended so that a county central committee is not required to be registered until it exceeds the \$750 threshold.⁹ Thus, if any new state parties are created, their corresponding county central committees will only need to register if they exceed \$750 in activity or voluntarily register in order to use the abbreviated "paid for by" attribution statement on political materials.

Out-of-State/Federal PACs:

An out-of-state or federal PAC making a contribution in excess of \$50 to an Iowa committee is required to register by filing a Verified Statement of Registration (VSR). This requirement was originally found in Iowa Code section 68A.201(5). Pursuant to 2010 Iowa Acts, Senate File 2128, sections 1 and 2, effective July 1, 2010, this requirement will be found in Iowa Code section 68A.201A. Effective January 1, 2011, a VSR is required to be filed electronically via the Board's Web site.¹⁰

In closing, the Board encourages all prospective campaign committees to review Iowa Code section 68A.201 and the Board's rules on registering a committee in 351—4.1 through 4.6.

IECDB Advisory Opinions 2005-08 and 2009-05 are hereby updated.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper
Saima Zafar

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ See 2010 Iowa Acts, Senate File 2128, section 3.

² See 2010 Iowa Acts, Senate File 2128, section 3.

³ See 2007 Iowa Acts, Chapter 80, sections 2 and 5, and 2009 Iowa Acts, Senate File 51.

⁴ A committee filing form DR-1 is required to file campaign reports regardless of whether the \$750 financial filing threshold is crossed. If a committee is not going to exceed this threshold, it should file form DR-SFA instead.

⁵ See Board rule 351-4.11.

⁶ See Iowa Code section 68A.405 and Board rule 351-4.38.

⁷ See Board rule 351-4.6(2).

⁸ See Board rule 351-4.35.

⁹ See 2005 Iowa Acts, Chapter 72, section 4.

¹⁰ See 2010 Iowa Acts, Senate File 2128, section 2.